

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims are being amended. Claims 1, 3-5 and 7-22 remain pending.

Allowable subject matter

Applicants appreciate the indication that claims 8-11, 13-15, 17 and 18 contain allowable subject matter.

Rejections under 35 U. S. C. § 103

Claims 1, 3, 4, 7, 12 and 19-22 stand rejected under 35 U. S. C. § 103(a) as being unpatentable over U.S. Patent No. 6,263,667 to Sawada et al. (“Sawada”) in view of U.S. Patent No. 5,655,363 to Ito et al. (“Ito”). Claim 5 stands rejected under 35 U. S. C. § 103(a) as being unpatentable over Sawada in view of Ito, and further in view of U.S. Patent No. 6,763,656 to Bidner et al. (“Bidner”). Claim 16 stands rejected under 35 U. S. C. § 103(a) as being unpatentable over Sawada, Ito and Bidner in view of U.S. Patent No. 5,524,433 to Adamezyk, Jr. et al. (“Adamezyk”). These rejections are respectfully traversed for at least the reasons given below.

Independent claim 1 recites “wherein the abnormality determining section suspends the abnormality determination of the NOx removing catalyst when the difference of the output values of the first exhaust atmosphere detecting section and the second exhaust gas atmosphere detecting section is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting section reaches the second predetermined value.” The Office Action recognizes that Sawada does not disclose this feature, but relies on Ito for disclosing this feature. Applicant submits that Ito fails to cure the deficiencies of Sawada.

Ito merely discloses in steps S83 and S84 determining whether a three-way catalyst (14) is sulfur poisoned. If the catalyst is determined to be sulfur poisoned, a countermeasure

is performed at step S85. By contrast, Sawada is directed to determining a catalysts' occluding and reducing ability (See abstract). Thus, even, if there were a proper reason to combine Ito and Sawada, which has not been provided by the Patent Office, the resultant combination would not include suspending the process of determining the Sawada catalyst's occluding and reducing ability. That is, even if combined, at best Ito suggests adding a sulfur poisoning determination step and a countermeasure to cure the sulfur poisoning, not suspending the process of determining the Sawada catalyst's occluding and reducing ability. Thus, even if combined, Ito and Sawada fail to suggest as recited in claim 1 "wherein the abnormality determining section suspends the abnormality determination of the NOx removing catalyst when the difference of the output values of the first exhaust atmosphere detecting section and the second exhaust gas atmosphere detecting section is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting section reaches the second predetermined value" in the context of claim 1.

Moreover, when the abnormality determination is suspended in claim 1, the previous determination result regarding the catalyst would be used (See step S13 of FIG. 2, for example). By contrast, when sulfur poisoning is determined in Ito, a countermeasure is performed in step S85, no previous determination result for the catalyst is used. Thus, the disclosure of Ito does not suggest the suspension of abnormality determination as in claim 1.

In sum, even if Sawada and Ito were to be combined (even though the record lacks any proper motivation to do so), the combination would not suggest all the features of independent claim 1. For these reasons, no proper basis exists to support the rejection of the subject matter of amended claim 1, and the rejection should be withdrawn.

Independent claims 19-22 respectively recite "wherein the abnormality determining means suspends the abnormality determination of the NOx removing catalyst means when the difference of the output values of the first exhaust atmosphere detecting means and the second exhaust gas atmosphere detecting means is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting means reaches the second predetermined value", "suspending the abnormality determination of the NOx

removing catalyst when the difference of the output values of the first exhaust atmosphere detecting section and the second exhaust gas atmosphere detecting section is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting section reaches the second predetermined value”, “wherein the abnormality determining section suspends the abnormality determination of the NOx removing catalyst when the difference of the output values of the first exhaust atmosphere detecting section and the second exhaust gas atmosphere detecting section is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting section reaches the second predetermined value” and “wherein the abnormality determining section suspends the abnormality determination of the NOx removing catalyst when the difference of the output values of the first exhaust atmosphere detecting section and the second exhaust gas atmosphere detecting section is larger than a third predetermined value when the output value of the second exhaust gas atmosphere detecting section reaches the second predetermined value”, and are thus patentable for reasons analogous to claim 1.

The dependent claims are patentable for at least the same reasons as their respective independent claims as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for

such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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